

CrR 32. SENTENCE AND JUDGMENT

(a) [Reserved].

(b) Presentence Investigation and Report.

(1) *When Made.* If a defendant desires preparation of a presentence report and its review by the court prior to entry of a guilty plea or acceptance of a plea agreement by the court, he shall obtain from the clerk request and waiver forms and execute the same.

(2) through (6) [Reserved].

(7) *Confidentiality.* Each copy of a probation department presentence report which this court has or does make available to the United States Parole Commission, the Bureau of Prisons, the United States Sentencing Commission or any other agency for any reason whatever constitutes a confidential court document and shall be presumed to remain under the continuing control of the court during the time that such presentence report is in the temporary custody of any of those agencies. Such copy of the presentence report shall be loaned to such agency, the Parole Commission, and the Bureau of Prisons only for the purpose of enabling those agencies to carry out their official functions, including parole release and supervision, and shall be returned to this court after such use, or earlier upon the request of this court.

(c) Sentence.

(1) Sentencing Hearing.

(A) Section 5K1.1 Motions. If the government intends to file a § 5K1.1 motion for substantial assistance, the motion must be served on all counsel and filed under seal fourteen (14) days prior to sentencing. In such event, the government must also serve and file under seal a written statement of the nature and extent of the defendant's cooperation. Any motion under § 5K1.1 and the supporting written statement must also be provided to the probation officer who has prepared the presentence report. If the government files a § 5K1.1 motion requesting that the court depart from the Guidelines, the defendant may file, in response, his or her version of the defendant's cooperation. Any such response by the defendant must be filed at least four (4) court days prior to sentencing and may be included in the defendant's sentencing memorandum. A duplicate copy of all pleadings shall also be filed for the sentencing judge.

(B) Continuance of Sentencing Date. The sentencing court may continue the sentencing date on its own motion; or upon a telephonic request of a party or the U.S. Probation Office through the judge's courtroom clerk based on the need for more time. A party or a U.S. Probation Officer seeking a continuance should be in a position to advise the courtroom clerk as to whether or not the request is

opposed by any party or by the U.S. Probation Office.

(C) Acceptance of Responsibility. In the event that a defendant wishes to provide a written statement accepting responsibility, the statement should be signed by the defendant. The original should be provided to the U.S. Probation Office with a copy to the United States Attorney at least fourteen (14) days prior to sentencing.

(D) Sentencing Memorandum. Counsel for the United States or for a defendant shall serve copies of any sentencing memorandum or related documents upon the opposing party and upon the U.S. Probation Office at least four (4) court days prior to sentencing.

(E) Evidentiary Hearing. At least four court days prior to the sentencing hearing, counsel shall inform the probation officer and Clerk's Office whether or not an evidentiary hearing will be necessary at the sentencing and, if so, whether witnesses will be called, who they will be, and an estimated length of the hearing.

(2) through (5) [Reserved].

(d) through (f) [Reserved].

[Effective May 1, 1992; amended effective July 1, 1997.]